

REMARKS/ARGUMENTS

Claims 1-4, 6-8, 19, 21-25 and 27-34 are pending in the application. Claims 5, 9-18, 20 and 26 were previously cancelled. Through this Response, no claims have been amended and no new matter has been added. As explained in more detail below, Applicants submit that pending claims 1-4, 6-8, 19, 21-25 and 27-34 are in condition for allowance and respectfully request such action.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-4, 6-8, 19, 21-25, and 27-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hokanson (US 5, 999,351) in view of Goldszmidt (US 6,195,680).

In the present Office Action, “[t]he Examiner has brought in Goldszmidt (6195680) to teach the newly amended feature.” (Office Action dated July 6, 2011, p. 2). Representative claim 1, as provided (and amended) in the last response, is provided below for clarity:

wherein the manager, in response to an infrequently requested video asset becoming frequently requested, is configured to select and transmit the frequently requested video asset to at least one primary partition of each of at least one server two servers;

wherein the manager, in response to a frequently requested video asset becoming infrequently requested, is configured to select and transmit the infrequently requested video asset to at least one secondary partition of at least one, but less than the all of, the plurality of servers and removing the infrequently requested video assets from the primary partitions.

(See, Amendment and Response to Non-Final Office Action dated February 15, 2011, p. 2).¹ Applicants respectfully disagree. Goldszmidt does not teach, disclose or even suggest either 1) transmitting any video assets based upon it being “infrequently requested” or “frequently requested,” or 2) “removing the infrequently requested video assets from the primary partitions.”

¹ See also, Claims 19 and 25 have also been amended to recite, *inter alia*, elements for transmitting the video asset to a plurality, but not all, of the recited servers.

Rather, Goldszmidt's system requires that each primary and secondary server have the same video asset regardless of request frequency. According to Goldszmidt:

Thus, a need exists for a client-based means to automatically switch to an alternate server in order to *continue receiving a multimedia stream in an uninterrupted fashion* in the event of a service degradation, load imbalance, or failure. *The present invention addresses such a need.* ... The present invention includes features for *automatically and gracefully switching clients among multiple servers* in the event that a server becomes overloaded or fails."

(Col 2, ll. 31-36 and Col. 3, ll. 12-14, emphasis added). Thus, Goldszmidt merely permits a client to access a copy of the same video asset from a secondary server in the event of a failure or degradation of service. Because of this, Goldszmidt teaches that each set of servers would have the same video assets regardless of request rates and, therefore, teaches against the subject matter of the recited embodiments. Specifically, Goldszmidt teaches:

Each client agent receives the multimedia stream from a streaming server, performs the appropriate processing (e.g., decompression, scaling) on the stream and renders the multimedia output. *Each client agent can be provided with a primary server identifier as well as a secondary server set identifier.* The primary entry characterizes the primary streaming server in the set of servers the client agent is connecting to. The secondary entry characterizes the set containing an alternate server for the client agent. *When a client detects a failure or overload,* the client sends a switch request to the control server which then *selects a server in the secondary set* and redirects the client agents of the primary server to the selected alternate server. *Thus, the client agents can continue to receive the multimedia streams with minimal or no interruption.*

(Col. 3, 41-55, emphasis added). Thus, removing a video asset because it became infrequently requested from a first server would remove the very benefits Goldszmidt strives to achieve. Likewise, transmitting a video asset to a different server based upon request rate in Goldszmidt's system would lead to inconsistencies of video assets making it impossible to rely on a server without the asset to stream in the event of a service degradation or failure.

As acknowledged by the Office Action, Hokanson does not cure the deficiencies of Goldszmidt. Further, the archival or removal of Hokanson is not performed in response to becoming infrequently requested, but rather upon the occurrence of the “addition of resources” to that server or device. Specifically, the low level asset is “concurrently” removed upon the addition of resources.

For at least this reason alone, Applicants respectfully submit that neither Hokanson nor Goldszmidt, either alone or in combination with any other art of record, teach, disclose or suggest independent claims 1, 19, and 25. The dependent claims (2-4, 6-8, 20- 21-24 and 27-34) are allowable for at least the same reasons in addition to the novel features recited therein.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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